

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(MBHB No. 02-184-C)

IN THE APPLICATION OF:) Confirmation No. 7851
Michael J. Burns et al.)
Serial No. 10/804,631) Examiner: Jessica Lemieux
Filing Date: March 19, 2004) Group Art Unit: 3693
Title System and Method for Estimating)
A Spread Value)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(b)

Responsive to the Determination of the Patent Term Adjustment under 35 U.S.C. §154(b) mailed on May 21, 2010, Applicants submit this Application for Patent Term Adjustment under 37 C.F.R. § 1.705(b). Applicants also submit the required fee under 37 C.F.R. § 1.18(e) along with this Application for Patent Term Adjustment.

A Determination of the Patent Term Adjustment was mailed with the Notice of Allowance on May 21, 2010. This Determination stated that the Patent Term Adjustment would increase the term of the patent by 1070 days. This determination was calculated by adding the number of days between the date fourteen months after the filing of the application (May 15, 2005) and the date of the first Office Action (April 23, 2008) (1070 days). Applicants submit

this Application for Patent Term Adjustment to request the subtraction of an additional 147 days from the Patent Term.

Applicants submit this Application for Patent Term Adjustment because Applicants filed two Information Disclosure Statements on March 15, 2010 and April 13, 2010, after Applicants had already filed a Response to the Rule 105 Communication on November 17, 2009. The Information Disclosure Statements did not include certification statements. Therefore, in accordance with 37 CFR 1.704(c)(8) and 1.704(d), 147 days should be subtracted from the Patent Term (from November 17, 2009 to April 13, 2010).

Thus, Applicants respectfully request reconsideration of the patent term adjustment and subtraction of the 147 days. If this Application for Patent Term Adjustment is granted, the patent term adjustment would be 923 days. If a telephone conference would expedite the prosecution of this Application for Patent Term Adjustment, please call Applicants' undersigned representative at 312-913-3334. If any additional fee is due, the Commissioner is hereby authorized to charge any additional fees associated with this Request or credit any overpayment to Deposit Account No. 13-2490.

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Date: June 28, 2010

By: /Jori R. Fuller/

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